

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-07 TRSE-00 OMB-01 EB-07 /086 W
-----115196 281931Z /43

O R 281855Z JUN 77
FM AMEMBASSY BONN
TO USMISSION USBERLIN IMMEDIATE
INFO SECSTATE WASHDC 9418
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO
AMEMBASSY BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 10799

USEEC

E.O. 11652: GDS
TAGS: PGOV EEC WB GW US UK FR
SUBJECT: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN
PARLIAMENT

REFS: (A) BONN 10675; (B) USBER 1310 (NOTAL)

BEGIN SUMMARY. AT THE REQUEST OF THE FRG BONN GROUP
REP, ALLIED REPS HAVE AGREED TO RECOMMEND THAT THE
THREE MISSIONS IN BERLIN RECONSIDER ON AN URGENT BASIS
THE DECISION REFLECTED IN BK/L(77)13, WHICH POSTPONED
APPROVAL OF THE EXTENSION TO BERLIN OF THE ACT OF THE
EC COUNCIL ON DIRECT ELECTIONS. ACTION REQUESTED:
USBER'S ASSISTANCE IN PROMOTING A SPEEDY REVIEW OF THE
ISSUE IN BERLIN. END SUMMARY.

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1. AS ANTICIPATED (REF A), THE FRG REP (HENZE)
DISCUSSED BK/L(77)13 AT THE JUNE 28 BONN GROUP MEETING.
NOTING THAT THE BUNDESTAG AND BUNDESRAT HAVE NOW PASSED
THE LAW ON RATIFICATION OF THE EC COUNCIL ACT ON DIRECT
ELECTIONS BUT WILL NOT DISCUSS THE RELATED TWO BILLS
BEFORE AUTUMN, HENZE STATED THAT THE AK DECISION TO
POSTPONE APPROVAL OF THE EXTENSION OF THE ACT TO

BERLIN CREATED DIFFICULTIES FOR THE FRG. THE FRG WISHED, HE SAID, TO DEPOSIT THE INSTRUMENT OF RATIFICATION IN BRUSSELS AS SOON AS POSSIBLE, BUT APPROVAL OF THE EXTENSION TO BERLIN WAS A PRECONDITION FOR THE BERLIN DECLARATION WHICH THE FRG WOULD MAKE AT THAT TIME.

2. IN DISCUSSING THE RELATIONSHIP BETWEEN EXTENSION OF THE COUNCIL ACT ITSELF TO BERLIN AND THE TAKEOVER IN BERLIN OF THE RATIFICATION LAW UNDER THE MANTELGESETZ PROCEDURE, HENZE SAID THAT THE BERLIN HOUSE OF REPRESENTATIVES COULD NOT TAKE THE LATTER ACTION SO LONG AS BK/L(77)13 STOOD.

3. THE UK LEGAL ADVISOR (CHAMBERLAIN) COMMENTED THAT HE UNDERSTOOD THAT THE AK WOULD PROBABLY WISH TO ISSUE A BK/O OR BK/L IN CONNECTION WITH THE EXTENTION OF THE AGREEMENT TO BERLIN. THIS BK/O OR BK/L WOULD PERHAPS MIRROR THE RESERVATION CONCERNING BERLIN IN THE FRG DECLARATION ATTACHED TO THE COUNCIL ACT (I.E., STATING THAT THE REPRESENTATIVES FROM BERLIN WOULD BE ELECTED BY THE BERLIN HOUSE OF REPRESENTATIVES). CHAMBERLAIN HAD HEARD THAT THE AK LEGAL COMMITTEE HAD A DRAFT BEFORE IT BUT WAS NOT CERTAIN AS TO ITS STATUS. HE FELT CERTAIN, HOWEVER, THAT THERE WOULD BE NO PROBLEM IN SEPARATING THE ACTION ON EXTENSION OF THE CONFIDENTIAL

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AGREEMENT FROM PASSAGE OF THE IMPLEMENTING LEGISLATION, NOW THAT THE RATIFICATION LAW ITSELF HAD BEEN PASSED.

4. HENZE RECOGNIZED THAT, AT THE TIME THE BK/L WAS ISSUED, THE THREE PIECES OF LEGISLATION WERE STILL BEING TREATED AS A PACKAGE. IT WAS ONLY AT THE END OF MAY THAT IT WAS DECIDED IN THE BUNDESTAG TO MOVE AHEAD ON THE RATIFICATION LAW ALONE. HE REITERATED HIS HOPE THAT THE MISSIONS COULD MOVE WITH SPEED ON THE MATTER, SO THAT THE RATIFICATION LAW ITSELF COULD BE TAKEN OVER BEFORE THE HOUSE OF REPRESENTATIVES ADJOURNS FOR THE SUMMER.

5. ALL THREE ALLIED REPS AGREED TO RECOMMEND THAT THE BERLIN MISSIONS, IN VIEW OF THE CHANGED SITUATION IN THE FRG, RECONSIDER BK/L(77)13 ON AN URGENT BASIS, WITH A VIEW TO APPROVING NOW THE EXTENSION OF THE EC COUNCIL ACT TO BERLIN, WITH WHATEVER RESERVATIONS MAY BE REQUIRED.

6. IN CONNECTION WITH THE DISCUSSION ON DIRECT ELECTIONS, CHAMBERLAIN STATED THAT THE BERLIN MISSIONS

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 10799

HAD DRAWN THE ATTENTION OF BONN EMBASSIES TO WHAT MIGHT
BE CONSIDERED A PRESENTATIONAL PROBLEM IN THE DRAFT
FRG LEGISLATION WHICH WOULD ESTABLISH PROCEDURES FOR
DIRECT ELECTIONS (REF B). HE POINTED OUT THAT, WHILE
THE TEXT OF THE BILL MADE CLEAR THE DISTINCTION IN THE
PROCEDURES FOR CHOOSING REPRESENTATIVES FROM BERLIN,
THE TITLE OF THE DRAFT LAW -- "LAW CONCERNING THE
ELECTION OF DEPUTIES OF THE EUROPEAN PARLIAMENT FROM
THE FEDERAL REPUBLIC OF BERLIN" -- COULD CREATE
DIFFICULTIES, IN THAT IT MIGHT IMPLY THAT BERLIN WAS A
PART OF THE FRG. CHAMBERLAIN WONDERED WHETHER IT
WOULD BE POSSIBLE WITHOUT TOO MUCH DIFFICULTY TO AMEND
THE TITLE.

7. HENZE THOUGHT IT WOULD LOOK STRANGE IF THE
GOVERNMENT WERE TO INTRODUCE AN AMENDMENT TO THE
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BILL AT THIS STAGE OF PROCEEDINGS, ADDING THAT A READING OF THE BILL ITSELF SHOULD ELIMINATE ANY PROBLEMS AS TO WHAT WAS INTENDED. THE FIRST PARAGRAPH, FOR EXAMPLE, REFERS TO PROCEDURES FOR ELECTING "THE 81 DEPUTIES ALLOTTED TO THE FRG."

8. CHAMBERLAIN SAID THAT HE WAS NOT INSISTING ON A CHANGE AND RECOGNIZED THAT THERE MIGHT BE PROBLEMS IN INTRODUCING AMENDMENTS AT THIS STAGE. HE SIMPLY WISHED TO ASK THAT THE BILL BE AMENDED IF POSSIBLE. US AND FRENCH REPS AGREED THAT SOME CHANGE MIGHT BE DESIRABLE BUT ALSO POINTED OUT THAT THEY WERE NOT INSISTING ON IT.

9. HENZE CONCLUDED THE DISCUSSION BY STATING THAT ALL HE COULD DO WAS TO POINT OUT THAT THE BERLIN MISSIONS WOULD LIKE TO SEE A CHANGE AND TO ASK WHETHER ANYTHING COULD BE DONE.

10. ACTION REQUESTED: THAT USBER SEEK EARLY RECONSIDERATION OF BK/L(77)13 IN THE LEGAL COMMITTEE AS RECOMMENDED IN PARA FIVE ABOVE.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CENTRAL LEGISLATURE, ELECTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BONN10799
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770231-0017
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770612/aaaaajwh.tel
Line Count: 196
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BONN 10675, 77 USBERLIN 1310
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2014368
Secure: OPEN
Status: NATIVE
Subject: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT
TAGS: PGOV, WB, GE, US, UK, FR, EEC
To: USBERLIN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/de239e73-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009